

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES WARREN CAMPBELL,

Defendant.

CR 22–09–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 48.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Charles Warren Campbell is charged with one count of conspiracy to possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 846 (Count I); one count of possession with intent to distribute controlled

substances, in violation of 21 U.S.C. § 841(a)(1) (Count II); one count of possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1) (Count III); one count of prohibited person in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (Count IV); one count of possession of a firearm with an obliterated serial number, in violation of 18 U.S.C. § 922(k) (Count V); and one count of possession of an unregistered firearm, in violation of 26 U.S.C. § 5861(d) (Count VI). (Doc. 29.) Judge DeSoto recommends that this Court accept Mr. Campbell's guilty plea as to Counts I, II, IV, V, and VI after he appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 48) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Campbell's motion to change plea (Doc. 37) is GRANTED.

IT IS FURTHER ORDERED that Charles Warren Campbell is adjudged guilty as charged in Counts I, II, IV, V, and VI of the Superseding Indictment.

DATED this 6th day of September, 2022.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, District Judge
United States District Court